

"An Act to amend Article 7066, Chapter 4, Title 120, of the Revised Civil Statutes of the State of Texas of 1911, fixing the salaries of the superintendents of certain State asylums, and declaring an emergency,"

Have had the same under consideration, and beg to report the same back to the Senate with the recommendation that it do pass, with the following amendments:

Amend bill by striking out the words "four thousand" wherever same refers to the salary of the superintendent of the State Lunatic Asylum, superintendent of the Southwestern Insane Asylum, superintendent of the North Texas Insane Asylum, and insert in lieu thereof the words "three thousand dollars"; and strike out all of paragraph beginning with the word "provided" on line 11, Section 1, and insert in lieu thereof, "provided that the superintendent of the State Lunatic Asylum, the Southwestern Insane Asylum, the North Texas Insane Asylum, the superintendent of the Blind Institute, the Deaf and Dumb Institute and the Epileptic Colony, shall each receive in addition to their salary, fuel, lights, water, housing and full board for himself and family; provided this bill shall take effect September 1, 1919.

WESTBROOK, Chairman.

Enrolling Committee Reports.

Committee Room,
Austin, Texas, March 4, 1919.
Hon. W. A. Johnson, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate Concurrent Resolution No. 28, copy of which is hereto attached, and find it correctly enrolled, and have this day at 10:15 o'clock a. m., presented the same to the Governor for his approval.

SMITH, Chairman.

Committee Room,
Austin, Texas, March 4, 1919.
Hon. W. A. Johnson, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate Concurrent Resolution No. 26, copy of which is hereto attached, and find it correctly enrolled, and have this day at 10:15 o'clock a. m., presented the same to the Governor for his approval.

SMITH, Chairman.

Committee Room,
Austin, Texas, March 4, 1919.
Hon. W. A. Johnson, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate Concurrent Resolution No. 29, copy of which is hereto attached, and find it correctly enrolled, and have this day at 10:15 o'clock a. m., presented the same to the Governor for his approval.

SMITH, Chairman.

THIRTY-SEVENTH DAY

Senate Chamber,
Austin, Texas, March 5, 1919.

The Senate met at 10 o'clock a. m. pursuant to adjournment, and was called to order by Lieutenant Governor W. A. Johnson.

The roll was called, a quorum being present, the following Senators answering to their names:

Alderdice.	Hall.
Bell.	Hertzberg.
Buchanan of Bell.	Hopkins.
Buchanan of Scurry.	Johnston.
Carlock.	McNealus.
Clark.	Page.
Cousins.	Parr.
Dayton.	Smith.
Dean.	Strickland.
Dorough.	Sulter.
Dudley.	Westbrook.
Faust.	Witt.
Floyd.	Woods.
Gibson.	

Absent.

Caldwell. Williford.

Absent—Excused.

Bailey.

Prayer by Senator Dean.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator McNealus.

Petitions and Memorials.

There were none today.

Standing Committee Reports.

See Appendix.

Bills and Resolutions.

By Senator Westbrook:

S. B. No. 379, A bill to be entitled "An Act requiring all public schools in this State, in addition to the subjects required to be taught therein, to have the subject 'Of the Effects of Alcoholic Stimulants and Narcotics on the Human System' taught therein regularly during each scholastic year; designating the first Friday in November of each year as 'Temperance Day,' during which day appropriate exercises concerning the effects of alcoholic stimulants and narcotics on the human system shall be observed by every public school of this State; providing that the Superintendent of Public Instruction or the County Superintendent, shall prepare a program for such day to be carried out in every public school in this State, and declaring an emergency."

Read first time and referred to Committee on Educational Affairs.

Senate Concurrent Resolution No. 11
Ordered Printed in Journal

Senator Carlock moved that Senate Concurrent Resolution No. 11, Constitutional Convention Resolution, be printed in the Journal.

The motion prevailed and the resolution will be found in the Appendix.

House Bill No. 497.

The Chair laid before the Senate on third reading:

H. B. No. 497, A bill to be entitled "An Act to amend Section 19 of the Special Road Law for Houston county, passed by the Regular Session of the Thirty-fifth Legislature, and approved March 8, 1917, so as to authorize the commissioners court of said county to issue 'deficiency' and other warrants on the road and bridge fund of said county in certain cases for certain purposes, and to authorize said court to issue time-warrants and any other evidence of debts against said fund for the payment, extension or liquidation of any debt now existing against such fund, and declaring an emergency."

The bill was laid before the Senate, read third time, and, on motion

of Senator Strickland, was passed by the following vote:

Yeas—27.

Alderdice.	Hall.
Bell.	Hertzberg.
Buchanan of Bell.	Hopkins.
Buchanan of Scurry.	Johnston.
Carlock.	McNealus.
Clark.	Page.
Cousins.	Parr.
Dayton.	Smith.
Dean.	Strickland.
Dorough.	Sulter.
Dudley.	Westbrook.
Faust.	Witt.
Floyd.	Woods.
Gibson.	

Absent.

Caldwell. Williford.

Absent—Excused.

Bailey.

House Bill No. 448.

The Chair laid before the Senate on third reading:

H. B. No. 448, A bill to be entitled "An Act providing that the commissioners court of Grimes county, Texas, shall not issue, without submitting it to a vote of the voters of Grimes county, Texas, as required by law, more than five thousand dollars in bonds in any one year and then only in case of an emergency, and providing that said commissioners court shall not issue nor sell anticipation warrants at all, and repealing all laws in conflict with this Act."

The bill was laid before the Senate, read third time and, on motion of Senator Dean, was passed finally.

House Bill No. 445.

The Chair laid before the Senate on third reading:

H. B. No. 445, A bill to be entitled "An Act to amend Section 1, House bill No. 533, Chapter 47, of the Local and Special Laws, passed at the Regular Session of the Thirtieth Legislature, entitled 'An Act creating the Eldorado Independent School District in Schleicher county, Texas, changing and defining its boundaries, and declaring an emergency.'"

The bill was laid before the Sen-

ate, read third time and, on motion of Senator Dudley, was passed finally.

Senate Bill No. 83.

(By unanimous consent.)

The Chair laid before the Senate on third reading:

S. B. No. 83, A bill to be entitled "An Act for the formation of corporations to act as trustee, assignee and agent, to accumulate and lend money, purchase and sell and deal in notes, bonds and securities, without banking and discounting privileges."

The bill was laid before the Senate, read third time, and, on motion of Senator McNealus, was passed finally.

House Bill No. 413.

The Chair laid before the Senate on third reading:

H. B. No. 413, A bill to be entitled "An Act creating an independent school district to be known as the 'White Deer Independent School District;' and to provide for the creation of a board of trustees thereof, and authorizing the board of trustees to levy, assess and collect special taxes, and to pay current expenses for the maintenance and support of said schools, and providing that the present board of trustees of the Common School District No. 7 of Carson county shall have full control and management of said independent school district until next regular trustees' election; and providing a method for filling vacancies occurring in said board; providing for a board of equalization and prescribing the duty and authority of said board of trustees, and repealing all laws in conflict herewith, and declaring an emergency."

The bill was laid before the Senate, read third time and, on motion of Senator Bell, was passed finally.

House Bill No. 440.

The Chair laid before the Senate on third reading:

H. B. No. 440, A bill to be entitled "An Act creating the Petersburg Independent School District, situated in Hale county, Texas; defining its

metes and bounds; vesting it with rights, powers, duties and privileges of independent districts incorporated for school purposes only under the general laws; providing for a board of trustees therefor; providing for a board of equalization and prescribing the duties and authority of said board and of said trustees; declaring valid an issue of bonds heretofore voted; declaring valid all debts owing to and by said district, and declaring an emergency."

On motion of Senator Bell the bill was laid on the table subject to call.

House Bill No. 403

The Chair laid before the Senate on third reading:

H. B. No. 403, A bill to be entitled "An Act creating the Ingleside Independent School District, situated in Young County; defining its metes and bounds; vesting it with the rights, powers, duties and privileges of districts incorporated for school purposes only under the General Laws; providing for a board of trustees thereof, and declaring an emergency."

The bill was laid before the Senate, read third time and, on motion of Senator Bell, was passed finally.

House Bill No. 439.

The Chair laid before the Senate on third reading:

H. B. No. 439, A bill to be entitled "An Act creating the Lakeview Independent School District, situated in Hale County, Texas; defining its metes and bounds; vesting it with rights, powers, duties and privileges of independent school districts incorporated for school purposes only under the General Laws; providing for a board of trustees therefor; providing for a board of equalization, and prescribing the duties and authority of said board, and of said trustees; declaring valid a maintenance tax heretofore voted, declaring valid all debts owing to and by said district, and declaring an emergency."

The bill was laid before the Senate, read third time and, on motion of Senator Bell, was passed by the following vote:

Yeas—27.

Alderdice.	Hall.
Bell.	Hertzberg.
Buchanan of Bell.	Hopkins.
Buchanan of Scurry.	Johnston.
Carlock.	McNealus.
Clark.	Page.
Cousins.	Parr.
Dayton.	Smith.
Dean.	Strickland.
Dorough.	Suiter.
Dudley.	Westbrook.
Faust.	Witt.
Floyd.	Woods.
Gibson.	

Absent.

Caldwell. Williford.

Absent—Excused.

Bailey.

House Bill No. 470.

The Chair laid before the Senate on third reading:

H. B. No. 470, A bill to be entitled "An Act changing the boundaries of Chireno Independent School District of Nacogdoches County, Texas, as created by an Act of the Thirty-fifth Legislature at its Regular Session, published in the Local and Special Laws, Regular Session, Thirty-fifth Legislature of Texas, page 217, and providing that certain territory which before said Act was passed constituted Bethel Common School District in Nacogdoches County, Texas, shall be transferred to and remain a part of and constitute Bethel Common School District, and declaring an emergency."

The bill was laid before the Senate, read third time and, on motion of Senator Cousins, was passed finally.

House Bill No. 420.

The Chair laid before the Senate on third reading:

H. B. No. 420, A bill to be entitled "An Act creating an independent school district to be known as 'Tex-homa Independent School District,' and to provide for the creation of a board of trustees and authorizing the board of trustees to levy, assess and collect special taxes and to issue bonds for buildings and to pay current expenses for the maintenance

and support of said school, and to have full control and management of said school district, and declaring an emergency."

The bill was laid before the Senate, read third time and, on motion of Senator Bell, was passed finally.

House Bill No. 196.

The Chair laid before the Senate on second reading:

H. B. No. 196, A bill to be entitled "An Act to amend Chapter 64, of the Acts of the Regular Session of the Thirty-fifth Legislature, page 123 thereof, relating to the salary of District Attorneys in counties having a population in excess of one hundred thousand; and also amending Chapter 55 of the Acts of the Regular Session of the Thirty-fifth Legislature, page 94 thereof, relating to the appointment and compensation of deputy county officers and assistants to District Attorneys; fixing the salary of District Attorneys and their deputies, assistants and stenographers, and providing for the method of the appointment of such deputies, assistants and stenographers, and the method of determining and fixing the salaries thereof in counties having a population of more than one hundred thousand."

On motion of Senator McNealus, the bill was laid on the table subject to call.

House Bill No. 210.

The Chair laid before the Senate on second reading:

H. B. No. 210, A bill to be entitled "An Act declaring the 11th day of November of each year a legal holiday under the same conditions as other holidays are designated in Texas, and declaring an emergency."

Senator Hopkins offered the following amendment, which was read and adopted:

Amend H. B. No. 210, page 1, by striking out the words "Armistice Day" in line 25 and by inserting in lieu thereof the words "Victory Day."

On motion of Senator Page, the bill was postponed indefinitely.

Messages From the House.

Hall of the House of Representatives,
Austin, Texas, March 4, 1919.
Hon. W. A. Johnson, President of
the Senate.

Sir: I am directed by the House
to inform the Senate that the House
has granted the the request of the
Senate for the return of H. J. R.
No. 7, and said resolution is re-
turned herewith.

Respectfully submitted,
T. B. REESE.

Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, March 4, 1919.
Hon. W. A. Johnson, President of
the Senate.

Sir: I am directed by the House
to inform the Senate that the House
has adopted H. C. R. No. 36, pro-
viding for Sine Die adjournment,
March 14, 1919.

Respectfully submitted,
T. B. REESE.
Chief Clerk, House of Representatives.

Resolution Read and Referred.

The Chair, Lieutenant Governor
Johnson, had referred after its cap-
tion had been read, the following:

H. C. R. No. 36, referred to the
Committee on Civil Jurisprudence.

House Bill No. 7.

The Chair laid before the Senate
on second reading:

H. B. No. 7, A bill to be entitled
"An Act to amend Article 2942, of
Chapter 4, Title 49 of the Revised
Civil Statutes of Texas of 1911, by
adding thereto authority to the
holder of a certificate of honorable
discharge from the military service
of the United States to vote thereon
without the payment of poll tax, and
declaring an emergency."

Senator Parr moved the adoption
of the minority (favorable) com-
mittee report.

Senator Dean moved as a substi-
tute the adoption of the majority
(adverse) committee report and this
motion was lost by the following
vote:

Yeas—9.

Alderdice.	Floyd.
Buchanan of Bell.	Hopkins.
Buchanan of Scurry.	Page.
Carlock.	Woods.
Dean.	

Nays—15.

Bell.	Johnston.
Dayton.	McNealus.
Dorough.	Parr.
Dudley.	Smith.
Faust.	Suiter.
Gibson.	Westbrook.
Hall.	Witt.
Hertzberg.	

Absent.

Caldwell.	Strickland.
Clark.	Williford.
Cousins.	

Absent—Excused.

Bailey.

Reasons for Vote.

I vote "Aye" for the reason that
this bill is a violation of Article 6,
Section 2, and Article 7, Section 3
of the constitution of Texas.

BUCHANAN of Bell.

The Attorney General having ruled
that this bill is purely unconstitu-
tional and the Committee on Civil
Jurisprudence also having ruled the
bill unconstitutional, and so believ-
ing that it contravenes the constitu-
tion, I am compelled to cast my vote
for the majority committee report.
I sincerely wish that the constitution
gave the Legislature authority to
make such exemptions as regards the
payment of poll taxes as a prere-
quisite to voting for above persons.
I believe that the soldiers who fought
in the recent war should be per-
mitted to vote without a poll tax re-
ceipt.

FLOYD.

The bill was laid before the Sen-
ate, read second time and, on motion
of Senator Parr, was passed to its
third reading.

House Bill No. 177.

The Chair laid before the Senate
on second reading:

H. B. No. 177, A bill to be entitled
"An Act to amend Chapter 85 of the

Acts of the Regular Session of the Thirty-fifth Legislature, entitled 'An Act to amend Article 3837 of the Revised Civil Statutes of Texas, 1911,' so as to provide that the filing fees of corporations payable to the Secretary of State under the provisions of Chapter 85 of the Acts of the Regular Session of the Thirty-fifth Legislature, entitled 'An Act to amend Article 3837, Chapter 1, Title 58 of the Revised Civil Statutes of the State of Texas, 1911,' shall be based upon the authorized capital stock of domestic corporations and upon the amount of capital stock actually subscribed by foreign corporations, and that such filing fees shall not exceed the sum of twenty-five hundred dollars, and declaring an emergency."

The bill was laid before the Senate, read second time and, on motion of Senator Dean, was passed to its third reading.

House Bill No. 423.

The Chair laid before the Senate on second reading:

H. B. No. 423, A bill to be entitled "An Act increasing the salary of the official court reporter for the Fourth Judicial District of Texas to the sum of eighteen hundred (\$1,800.00) dollars per annum; providing the manner of payment of such salary, and declaring an emergency."

On motion of Senator Smith, the bill was laid on the table subject to call.

House Bill No. 278.

The Chair laid before the Senate on second reading:

H. B. No. 278, A bill to be entitled "An Act to provide for the recording of official discharges of soldiers, sailors and other persons in the service of the United States in the war with Germany and Austria-Hungary; authorizing the commissioners court to expend county funds to provide necessary books for said purpose; making it the duty of the county clerk of each county to make such record; directing the payment to the county clerk out of county funds of a fee for said services, and declaring an emergency."

The bill was laid before the Senate, read second time and, on motion

of Senator Dean, was passed to its third reading.

House Bill No. 107.

The Chair laid before the Senate on second reading:

H. B. No. 107, A bill to be entitled "An Act to amend Section 3, Chapter 60 of the General Laws of the Regular Session of the Thirty-fifth Legislature of the State of Texas so as to confer power upon the commissioners courts to disinfect any district, county or subdivision of a county for the purpose of eradication of fever-carrying ticks, and other contagious and infectious or communicable diseases of live stock, and declaring an emergency."

The bill was laid before the Senate, read second time and, on motion of Senator Dudley, was passed to its third reading.

House Bill No. 181.

The Chair laid before the Senate on second reading:

H. B. No. 181, A bill to be entitled "An Act amending Section 6 of Chapter 73, Acts of the Thirty-fifth Legislature, Fourth Called Session, approved April 3, 1919, and providing the compensation to be paid tax collectors for collection of license and transfer fees on automobiles and motor vehicles, and declaring an emergency."

Senator Woods offered the following amendment:

Amend H. B. No. 181 by striking out Section 6, and insert in lieu thereof the following:

Section 6. As compensation for their services under this act, tax collectors shall receive out of moneys collected by them under the terms of this act, the following fees:

4 per cent on the first \$5000.00 collected;

2 per cent on the next \$5000.00 collected;

1 per cent on the next \$10,000.00 collected;

and one half of one per cent on all sums in excess of \$20,000.00 which fees shall be in addition to all other fees allowed by law, and the provisions of law in regard to excess fees

shall not apply to fees collected hereunder.

On motion of Senator Carlock the amendment was tabled.

The bill was laid before the Senate, read second time and, on motion of Senator Woods, was passed to its third reading.

House Joint Resolution No. 7—Vote Rescinded.

By unanimous consent Senator Carlock moved to rescind the vote by which the Senate adopted the Conference Committee report on H. J. R. No. 7.

The motion prevailed by unanimous vote.

The committee report was laid before the Senate and the same was lost by the following vote: (two-thirds being required.)

Yeas—13.

Alderdice.	McNealus.
Bell.	Page.
Carlock.	Strickland.
Clark.	Westbrook.
Dudley.	Witt.
Floyd.	Woods.
Johnston.	

Nays—12.

Buchanan of Bell.	Gibson.
Buchanan of Scurry.	Hall.
Cousins.	Hertzberg.
Dayton.	Hopkins.
Dean.	Smith.
Faust.	Suiter.

Absent.

Caldwell.	Parr.
Dorough.	Williford.

Absent—Excused.

Bailey.

House Concurrent Resolution No. 32.

The Chair laid before the Senate on second reading:

H. C. R. No. 32, "That the \$60,000,000 of cotton tax collected during the Civil War, be return to the Confederate Soldiers by the National Government."

On motion of Senator Dean the resolution was adopted.

House Bill No. 180.

The Chair laid before the Senate on second reading:

H. B. No. 180, A bill to be entitled "An Act to amend Chapter 153 of the Acts of the Regular Session of the Thirty-third Legislature so as to provide that all corporations that are required by law to pay an annual franchise tax to make a report to the Secretary of State between the first day of January and the fifteenth day of March, and prescribing what such report shall contain; providing the date such report shall be made by certain foreign corporations; prescribing penalty for failure to make such report; providing that such report shall be subject to inspection only by persons who are interested directly in the subject matter of such report, and declaring an emergency."

The bill was laid before the Senate, read second time and, on motion of Senator Dean, was passed to its third reading.

House Bill No. 294.

The Chair laid before the Senate on second reading:

H. B. No. 294, A bill to be entitled "An Act amending Section 1 of the Local and Special Laws of the Regular Session of the Thirty-fifth Legislature, Chapter 22, page 86, creating the Georgetown Independent School District, by adding thereto territory adjoining same situated in Williamson county for school purposes, and defining its boundaries, and declaring an emergency."

The committee report that the bill be not printed was adopted.

The bill was laid before the Senate, read second time and, on motion of Senator Dean, was passed to its third reading.

House Bill No. 152.

The Chair laid before the Senate on second reading:

H. B. No. 152, A bill to be entitled "An Act to amend Article 7235, of the Revised Civil Statutes of the State of Texas, of 1911, by inserting the word 'Harris' among the counties and declaring an emergency."

The committee report that the bill be not printed was adopted.

The bill was laid before the Senate, read second time and, on motion of Senator Johnston, was passed to its third reading.

House Bill No. 476.

The Chair laid before the Senate on second reading:

H. B. No. 476, A bill to be entitled "An Act to amend Section 2, 5, 8, 10, 16 and 17, of the special road law for Baylor county, passed by the Regular Session of the Thirty-third Legislature, approved April 1, 1913, to provide for the compensation of county commissioners when acting as road commissioners, to limit the days per month each commissioner can receive pay as road commissioner to provide for the compensation for hands and teams for road work in said county, to provide for the time of the reports of road overseers and for their compensation for the excess of days over five days they may serve in any one year, to exempt any citizen from road duty for any year upon his payment to the county of three and 50-100 (\$3.50) dollars, and to provide that the county clerk attach to road overseers' commissions a list of names of those who have paid the \$3.50, and declaring an emergency."

The committee report that the bill be not printed was adopted.

The bill was laid before the Senate, read second time and, on motion of Senator Bell, was passed to its third reading.

House Bill No. 519.

The Chair laid before the Senate on second reading:

H. B. No. 519, A bill to be entitled "An Act to amend Sections 4 and 7 of Chapter 95 of Local and Special Laws of the State of Texas, passed at the Regular Session of the Thirty-third Legislature of the State of Texas relating to the issuance of road improvement bonds by Navarro county or any political subdivision thereof, and declaring an emergency."

The committee report that the bill be not printed was adopted.

The bill was laid before the Senate, read second time and, on motion of Senator Woods, was passed to its third reading.

House Bill No. 179.

The Chair laid before the Senate on second reading:

H. B. No. 179, A bill to be entitled "An Act to amend Article 7393, Chapter 3, Title 126 of the Revised Civil Statutes of Texas, 1911, prescribing the amount of franchise taxes to be paid by domestic corporations, providing that where a domestic corporation has a permit or permits to do business outside of the State, the franchise tax shall be computed upon that proportion of the authorized capital stock, plus the surplus and undivided profits, if any, of such corporation, as the total gross receipts of such corporation from its business done in Texas, bears to the total gross receipts of the corporation from all sources, and declaring an emergency."

The bill was laid before the Senate, read second time and, on motion of Senator Dean, was passed to its third reading.

House Bill No. 178.

The Chair laid before the Senate on second reading:

H. B. No. 178, A bill to be entitled "An Act to amend Chapter 84 of the Acts of the Regular Session of the Thirty-fifth Legislature, entitled 'An Act to amend Article 7394 of the Revised Civil Statutes of Texas, 1911,' so as to provide that the franchise tax on foreign corporations, therein levied, shall be based upon that portion of the total capital stock, plus the surplus and undivided profits, if any, of such corporation, as the gross receipts of such corporation from its Texas business bears to its gross receipts, and providing a minimum franchise tax to be paid by foreign corporations, and declaring an emergency."

The bill was laid before the Senate, read second time and, on motion of Senator Dean, was passed to its third reading.

House Joint Resolution No. 13.

The Chair laid before the Senate on second reading:

H. J. R. No. 13, Proposing to amend Section 49 of Article 3 of the Constitution of the State of Texas

relating to the power to create debts by or on behalf of the State, so as hereafter to authorize the Legislature to enact a law directing the issuance of bonds by the Governor of the State in a sum not to exceed seventy-five million (\$75,000,000) dollars, the proceeds of said bonds to be used in the construction of durable, hard surfaced roads upon public highways of the State.

The resolution was laid before the Senate, read second time and, on motion of Senator McNealus, was passed to its third reading.

House Bill No. 157.

The Chair laid before the Senate on second reading:

H. B. No. 157, A bill to be entitled "An Act defining common carrier pipe and gas lines engaged or to engage in the transportation, sale or distribution of natural or artificial gas; declaring all corporations, persons, partnerships or associations of persons now engaged, or to hereafter engage in selling, distributing, and transporting natural or artificial gas in this State to be common carriers; declaring such common carriers to be public utilities and making them subject to the provisions of this act; giving the Railroad Commission of Texas the power to regulate the rates and charges by such common carriers for service; empowering said Commission to make rules and regulations for their conduct, and giving said Commission plenary power to make rules and regulations for the control of such carriers and power to enforce their rules and regulations and the provisions of this act; fixing penalties for violation of this act, and the rules and orders of said Commission; making certain violations a criminal offense and fixing the penalty therefor, and providing means for the recovery of such penalties as are not made criminal, either by the State of Texas or the party aggrieved by such violation, making the tribunal in which such recovery may be had, and providing for the recovery of excessive charges by patrons of such common carriers; providing additional grounds for appointment of receivers; making this act cumulative; providing that the invalidity of any part of this act shall not inval-

idate the remaining parts hereof, and declaring an emergency."

Senator Buchanan of Scurry moved the adoption of the minority (favorable) committee report.

The motion prevailed.

On motion of Senator Dean the bill was set as a special order for tomorrow morning.

House Bill No. 485.

The Chair laid before the Senate on second reading:

H. B. No. 485, A bill to be entitled "An Act to validate the charter and incorporation of the city of Eagle Pass, adopted by the qualified voters of said city since the enactment of Chapter 147 of the Acts of the Regular Session of the Thirty-third Legislature, and filed in the office of the Secretary of State, and declaring an emergency."

The committee report that the bill be not printed was adopted.

The bill was laid before the Senate, read second time and, on motion of Senator Dudley, was passed to its third reading.

House Bill No. 239.

The Chair laid before the Senate on second reading:

H. B. No. 239, A bill to be entitled "An Act to permit defendants, in cases in which requisitions have been issued for them by the Governor and where they appeal their cases to the Court of Criminal Appeals, to give bond the same as defendants in other felony cases, and declaring an emergency."

The bill was laid before the Senate, read second time and, on motion of Senator Johnston, was passed to its third reading.

House Bill No. 150.

The Chair laid before the Senate on second reading:

H. B. No. 150, A bill to be entitled "An Act to amend Section 1, of Chapter 88, Acts of the Regular Session of the Thirty-third Legislature of 1913, of the State of Texas, changing the maximum penalty prescribed therein, from two hundred and fifty

(\$250.00) dollars to two hundred (\$200.00) dollars, and declaring an emergency."

The bill was laid before the Senate, read second time and, on motion of Senator McNealus, was passed to its third reading.

House Bill No. 359.

The Chair laid before the Senate on second reading:

H. B. No. 359, A bill to be entitled "An Act creating the McCollum Independent School District in Falls county, Texas; defining its boundaries; providing for the election of a board of trustees to manage and control the public free schools within said district; vesting said district with the rights, powers, privileges and duties of an independent school district in the manner now provided for by general law for independent school districts, and declaring an emergency."

The committee report that the bill be not printed was adopted.

The bill was laid before the Senate, read second time and, on motion of Senator Witt, was passed to its third reading.

House Bill No. 566.

The Chair laid before the Senate on second reading:

H. B. No. 566, A bill to be entitled "An Act changing the boundaries of Slaton Independent School District and Common School District No. 14 in Lubbock county, Texas; transferring to Slaton Independent School District a portion of the territory now embraced in Common School District No. 14; describing Slaton Independent School District in Lubbock and Lynn counties, Texas, by metes and bounds; providing that Slaton Independent School District No. 14 in Lubbock county, Texas, which it is entitled to assume in taking over the additional lands, and declaring an emergency."

The committee report carrying amendments was adopted.

The bill was laid before the Senate, read second time, and on motion of Senator Bell, was passed to its third reading.

House Bill No. 546.

The Chair laid before the Senate on second reading:

H. B. No. 546, A bill to be entitled "An Act creating and incorporating the Union Independent School District in Terry County, Texas, and defining the boundaries thereof; providing for a board of trustees and defining their powers and authority; authorizing said board of trustees to levy, assess and collect taxes for maintenance and building purposes, and to issue bonds therefor; providing for an Assessor and Collector of Taxes thereof and providing for a board of equalization of said school district; providing for an election of trustees thereof, and declaring an emergency."

The committee report that the bill be not printed was adopted.

The bill was laid before the Senate, read second time and, on motion of Senator Bell, was passed to its third reading.

House Bill No. 550.

The Chair laid before the Senate on second reading:

H. B. No. 550, A bill to be entitled "An Act to create Common School District No. 20, in Borden County, Texas, out of territory heretofore included within the boundaries of Common School District No. 1 of said county, and providing that the territory and property within said Common School District No. 20 shall continue to be subject to taxation for the payment of the principal, interest and sinking funds of any and all bond issues heretofore issued by said Common School District No. 1 and still unpaid; and conferring upon the county board of trustees of Borden County the same powers of control over said Common School District No. 20 as they have under law over other common school districts of like class in said county."

The committee report that the bill be not printed was adopted.

The bill was laid before the Senate, read second time and, on motion of Senator Buchanan of Scurry, was passed to its third reading.

House Bill No. 498.

The Chair laid before the Senate on second reading:

H. B. No. 498, A bill to be entitled "An Act creating the Tatum Independent School District, in Rusk and Panola Counties, Texas; defining its boundaries; providing for a board of trustees to manage and control the public free schools within said district; and the title of all property now held and used for public school purposes; investing powers, privileges and duties of a town or village incorporated for free school purposes only, under the General Laws; creating the trustees of said independent school district as a board of equalization thereof and conferring upon them the powers, etc., given by the General Laws, and declaring an emergency."

The committee report that the bill be not printed was adopted.

The bill was laid before the Senate, read second time and, on motion of Senator Smith, was passed to its third reading.

House Bill No. 539.

The Chair laid before the Senate on second reading:

H. B. No. 539, A bill to be entitled "An Act enlarging the Albany Independent School District in Shackelford County, Texas; defining its boundaries as enlarged, and providing for the election of a board of trustees to manage and control the public free schools within said district, provided that none of the land and territory added by this Act to said Albany Independent School District shall be subjected to the payment of any portion of the local maintenance tax now levied, assessed and collected in said district, except in so far as the same may be hereafter voted by the people of said enlarged district, as provided by the General Laws of this State, naming the fiscal year as to taxes, investing said district with all the powers, rights and duties of independent school districts formed for free school purposes only, and declaring an emergency."

The committee report that the bill be not printed was adopted.

The bill was laid before the Senate, read second time and, on motion of Senator Buchanan of Scurry, was passed to its third reading.

House Bill No. 510.

The Chair laid before the Senate on second reading:

H. B. No. 510, A bill to be entitled "An Act to amend Sections 1, 2 and 9 of the Winnie Independent School District in the counties of Chambers and Jefferson in the State of Texas, passed by the Fourth Called Session of the Thirty-fifth Legislature of the State of Texas and known as House Bill No. 86, Chapter 18, creating the Winnie Independent School District, and providing for the reformation of said district and defining its boundaries thereof, so as to hereafter read as follows, to-wit; and declaring an emergency."

The committee report that the bill be not printed was adopted.

On motion of Senator Hall the bill was laid on the table subject to call.

House Bill No. 508.

The Chair laid before the Senate on second reading:

H. B. No. 508, A bill to be entitled "An Act creating the Rosedale Independent School District in Jefferson county, Texas, defining its boundaries; providing for a board of trustees in said independent school district and prescribing their qualifications and terms of office, defining the rights, powers and privileges of the board of trustees of said independent school district, etc., and declaring an emergency."

On motion of Senator Cousins the bill was laid on the table subject to call.

House Bill No. 545.

The Chair laid before the Senate on second reading:

H. B. No. 545, A bill to be entitled "An Act creating the Santa Anna Independent School District, in Coleman county, Texas; defining its boundaries, including the present Santa Anna Independent School District; providing for a board of trustees in said district, conferring upon said district and its board of trustees all of the rights, powers, privileges and duties now conferred and imposed by the General Laws of Texas upon independent school districts and the boards of trustees

thereof, providing that the present board of trustees continue in office until the expiration of their respective terms, and declaring an emergency."

The committee report that the bill be not printed was adopted.

The bill was laid before the Senate, read second time and, on motion of Senator Buchanan of Scurry, was passed to its third reading.

House Bill No. 540.

The Chair laid before the Senate on second reading:

H. B. No. 540, A bill to be entitled "An Act creating and incorporating Ringgold Independent School District in Montague county, Texas, out of the territory now composing Common School District No. 43 of said county; providing that the title to the school property be vested in such independent school district and that it assume the debt of said common school district; providing for a board of trustees for said district; defining their powers and duties; providing for a treasurer of the school funds and defining his duties; defining the boundaries of said district, and declaring an emergency."

The committee report that the bill be not printed was adopted.

The bill was laid before the Senate, read second time and, on motion of Senator Hopkins, was passed to its third reading.

House Bill No. 562.

The Chair laid before the Senate on second reading:

H. B. No. 562, A bill to be entitled "An Act to amend Sections 2, 6, 10, 12, and 14 of Chapter 47, Acts of Thirty-fourth Legislature, passed at its regular session, being 'An Act to create a more efficient road system for Mills County,' so as to prescribe how road and bridge taxes collected from persons and upon property in incorporated cities and towns in said county shall be expended, so as to provide for the hiring of engineers to supervise construction and maintenance work; so as to provide for increased compensation to be paid road hands, and for teams; defining a good day's work; increasing the compensation to be paid road overseers; increasing the

amount to be paid in lieu of road duty; and to secure exemption from road duty; and declaring an emergency."

The committee report that the bill be not printed was adopted.

The bill was laid before the Senate, read second time and, on motion of Senator Buchanan of Scurry, was passed to its third reading.

House Bill No. 561.

The Chair laid before the Senate on second reading:

H. B. No. 561, A bill to be entitled "An Act to repeal Chapter 115 of the Special Laws of the State of Texas, passed by the Thirty-third Legislature; approved March 31st, 1913, so far as the same applies to Zavalla county; and providing that the General Road Law of the State of Texas shall be in effect in Zavalla county, and declaring an emergency."

The committee report that the bill be not printed was adopted.

The bill was laid before the Senate, read second time and, on motion of Senator Parr, was passed to its third reading.

House Bill No. 531.

The Chair laid before the Senate on second reading:

H. B. No. 531. A bill to be entitled "An Act to create a more efficient road system for Limestone county, Texas, adopting certain provisions of Chapter 2, Title 18, Revised Civil Statutes of 1911, as amended and added to by Chapter 203, Acts of 1917, and Chapter 18, General Laws, Fourth Called Session. Thirty-fifth Legislature, except as herein otherwise provided, and prescribing ways and means of conducting and supervising the construction of roads in said county or any political subdivision or defined district thereof; repealing all laws and parts of laws in conflict therewith, and declaring an emergency."

The committee report that the bill be not printed was adopted.

The bill was laid before the Senate, read second time and, on motion of Senator Dean was passed to its third reading.

House Bill No. 537.

The Chair laid before the Senate on second reading:

H. B. No. 537, A bill to be entitled "An Act to repeal Chapter 105 of the Local and Special Laws of the Thirty-first Legislature, creating a special road system for Falls county, Texas, approved March 29, 1911, and to create a more efficient road system for Falls county, Texas, etc., and declaring an emergency.

The committee report that bill be not printed was adopted.

The bill was laid before the Senate, read second time and on motion of Senator Witt, passed to its third reading.

House Bill No. 564.

The Chair laid before the Senate on second reading:

H. B. No. 564, A bill to be entitled "An Act to amend Chapter 14 of the General and Special Laws of the State of Texas, passed at the Third Called Session of the Thirty-fifth Legislature, entitled 'An Act to create a more efficient road system for Trinity county, Texas, and auxiliary thereto; to provide for the appointment of road overseers; to define the powers and jurisdiction of the commissioners courts of said county with regard thereto; to create the authority of the county road superintendents and to define its duties; and to provide adequate penalties for the violation of the provisions of this Act; repealing Chapter 145, passed by the Thirty-fifth Legislature in Regular Session creating a special road law for Trinity county, and declaring an emergency,' being an Act requiring the road overseers of Trinity county to deposit all moneys collected by them from road hands in the county treasury, and providing a means for paying out the same, and declaring an emergency."

The committee report that the bill be not printed was adopted.

The bill was laid before the Senate, read second time and, on motion of Senator Strickland was passed to its third reading.

House Bill No. 565.

The Chair laid before the Senate on second reading:

H. B. No. 565, A bill to be entitled "An Act creating the Woodville Independent School District, in Tyler county, Texas; defining its boundaries; providing for a board of trustees in said independent school district, conferring upon said district and its board of trustees the rights, powers, privileges and duties now conferred and imposed by the general laws of the State upon independent school districts and the board of trustees thereof; providing for the election of trustees, for the raising of revenues, issuing of bonds, building and maintaining schoolhouses, maintaining public free schools, declaring valid the local maintenance tax heretofore voted and now in effect in the territory included in the school district hereby created, repealing all laws in so far as they conflict herewith, and declaring an emergency."

The committee report that the bill be not printed was adopted.

The bill was laid before the Senate, read second time and, on motion of Senator Cousins, was passed to its third reading.

Morning call concluded.

Senate Bill No. 181.

The Chair laid before the Senate on second reading:

S. B. No. 181, A bill to be entitled "An Act appropriating the sum of twelve thousand (\$12,000) dollars for the use of the State Board of Health, to be expended by it under the direction of the State Health officer, for the purpose of defraying all expenses in connection with the making of a house to house canvass of one or more counties in this State in obtaining exact and scientific data as to the health conditions thereof, and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Dean, the constitutional rule requiring bills to be read on three several days was suspended and Senate Bill No. 181 put on its third reading and final passage by the following vote:

Yeas—23.

Alderdice.	Carlock.
Bell.	Clark.
Buchanan of Bell.	Cousins.
Buchanan of Scurry.	Dayton.

Dean.	Johnston
Dorough.	McNealus.
Dudley.	Parr.
Faust.	Smith.
Floyd.	Sulter.
Hall.	Westbrook.
Hertzberg.	Woods.
Hopkins.	

Absent.

Caldwell.	Strickland.
Gibson.	Williford.
Page.	Witt.

Absent—Excused.

Bailey.

The bill was laid before the Senate, read third time and, on motion of Senator Dean, was passed by the following vote:

Yeas—22.

Alderdice.	Faust.
Bell.	Floyd.
Buchanan of Bell.	Hall.
Buchanan of Scurry.	Hertzberg.
Carlock.	Hopkins.
Clark.	Johnston.
Cousins.	McNealus.
Dayton.	Parr.
Dean.	Smith.
Dorough.	Westbrook.
Dudley.	Witt.

Nays—1.

Sulter.

Present—Not Voting.

Woods.

Absent.

Caldwell.	Strickland.
Gibson.	Williford.
Page.	

Absent—Excused.

Bailey.

House Bill No. 269.

Senator Suiter called up from the table and the Chair laid before the Senate on third reading:

H. B. No. 269, A bill to be entitled "An Act to create a more efficient road system for Wood county, etc., and declaring an emergency."

Senator Suiter offered the following amendments which were adopted by unanimous vote:

(1) Amend House Bill No. 269 by

Striking out all before the enacting clause, and insert in lieu thereof the following:

"An Act to create a more efficient road system for Wood county, constituting the county commissioners ex officio road commissioners; prescribing their duties as such; providing for monthly reports; requiring each county commissioner to enter into bond in the sum of Two Thousand Dollars (\$2,000.00); providing for the repair of roads heretofore constructed, before proceeding to build new roads; to sectionize all roads; granting authority to appoint, or contract for, roads overseers for each section of road; defining the duties of road overseers, providing for the appointment of road hands; granting authority to the road commissioners to adopt a system for working roads, and the purchase of tools, machinery, etc., for road purposes, and to employ and pay for labor, and to work county convicts upon the roads, the amount to be paid officers on their costs; providing that escaped and recaptured convicts shall work out the cost of recapture on the public roads; to prohibit any person from obstructing any public road, or ditch along the public road; providing for warning out and working road hands, or for payment in lieu of said work; providing penalties for the enforcement of this Act; providing that this Act shall be taken notice of by all courts in the same manner as the General Laws of this State, on this subject; providing that this Act is cumulative of all laws not in conflict herewith, and that all laws in conflict herewith are hereby repealed; and declaring an emergency."

(2) Amend House Bill No. 269 by striking out all after the enacting clause, and inserting in lieu thereof the following:

"Section 1. That each county commissioner of Wood county, Texas, shall be ex officio road commissioner of his precinct, and, under the direction of the commissioners' court, shall have charge of the teams, tools, and machinery, belonging to the county, and delivered to him by said court for the purpose of being used upon the roads of the commissioners precinct of which he is commissioner; and it shall be his duty, under such rules and regulations as the com-

missioners court may prescribe and in conformity to the laws of this State governing such matters, to superintend the laying out of new roads, and changing roads already constructed, and building bridges and culverts, and repairing the roads in his district.

Section 2. Each of said commissioners shall, before entering upon the duties of his office, execute a bond in the sum of Two Thousand Dollars (\$2,000.00), with two or more good and sufficient sureties, payable to the county judge of Wood county and his successors in office, for the use and benefit of the Road and Bridge Fund, to be approved by the county judge, conditioned that such commissioner will faithfully perform all the duties of road commissioner required of him by law and by the commissioners' court, and that he will account for all moneys or property that may come into his possession, belonging to the said county, or to any road district of said county.

Section 3. Each of said commissioners shall make monthly reports to the commissioners' court on the second Monday in each month. Said report shall be under oath, and shall state the following:

First. The condition of all roads and parts of roads in his precinct, which have been inspected by him during said month.

Second. The condition of culverts and bridges inspected by him.

Third. What, if any, new roads shall be established in his precinct on proper petition; and what, if any, bridges, culverts, or other improvements should be made, and the probable cost of such improvement.

Said report shall be read in open court, and the entire court shall act thereon; and in no instance shall any member of the court be allowed or authorized to cause such improvements to be made without the consent of a majority of said court, except in cases of extreme necessity, and in such cases such action shall be reported to the court at the first meeting thereafter, together with the reason for such action.

Said commissioners' court shall, in addition to the regular quarterly sessions of said court, provided by general law, hold a regular session on the second Monday in each month, except the months in which the regu-

lar quarterly session may come, and shall remain in session until all business before the court shall have been acted upon.

Section 4. The commissioners' court shall, on the second Monday in February of each year, or as soon thereafter as practicable, divide the public roads of Wood County into sections of not less than three (3), nor more than ten (10) miles each, and shall employ a road overseer for each of said sections, which said overseer shall enter into contract with said Wood county, that he will perform the duties required of him by law and by said commissioners' court, and will take care of and deliver to his successor all property of any kind, belonging to said county, which may be delivered to him as such overseer.

It shall be the duty of said road overseer to drag his section of road, at such time or times, as the commissioners' court may direct, and he shall haul, or have hauled, all material that may be necessary for repairing his section of road, and shall properly place the same—the road material to be of the same kind of which said road is constructed and finished, if said road be a graded or surfaced road—and he shall keep said section of road in good repair, free of holes, washes, and obstructions, and shall keep all ditches and drains clear of obstruction, so as to permit the free flow of water, and all culverts and bridges in good repair, the county furnishing all materials to be used in the maintenance and repair of said road; and said road overseer shall not have authority to incur any debts against the County of Wood.

Section 5. The commissioners' court shall employ an overseer for each section of road in said county, and shall prescribe the maximum number of days which he shall be paid for, during the twelve (12) months for which he is employed; and if said overseer shall fail or refuse to perform the duties, required of him by law and by the commissioners' court, said court shall have the right, at any time, to discharge said overseer and employ another.

The compensation to be paid said overseer shall not exceed Two Dollars (\$2.00) per day for himself, or Four Dollars (\$4.00) per day for himself and his wagon and team, for each day

he is actually employed in such work; and for each part of a day which he may work, he shall be paid in the proportion of Two Dollars (\$2.00) per day for himself, or Four Dollars (\$4.00) per day for himself and team, as the case may be. Each road overseer shall be under the immediate supervision of the road commissioner, in whose precinct his section of the road may be situated, and he shall have full power and authority to warn out all hands apportioned to his section of road, and shall see that each hand, so apportioned to his section of the road, shall work his full five (5) days on said section of the road. Warning the hands to work on the public roads and the working of them, shall be done and performed as provided in the General Laws of the State of Texas, governing warning out and working hands on the public roads.

Each road overseer shall make an itemized statement at the the end of each month, stating the number of days and hours of each day that he has worked on his section of road, and showing the kind of work done and where the same was done, the number of hands used, and such other information as may be required of him by the commissioners' court, and shall make oath to the same, which said account shall be filed with the County Clerk for approval and payment out of the road and bridge fund, by order of the commissioners' court.

Section 6. The commissioners' court shall, at its regular session in February of each year, apportion all male persons between the ages of twenty-one (21) and forty-five (45) years, to the section of road nearest to which said persons may reside, as provided by the General Laws of the State of Texas, but no person shall be required to go more than five (5) miles from his home to work on any public road. When such apportionment is made, a list of all such persons residing within the territory of each section of the road, shall be delivered to the overseer employed by said court, and who shall have the authority to warn out said persons, as hereinbefore provided, and shall add to his list the names of any and all male persons between the ages of 21 and 45 years who may reside within the territory provided

for his section of road, that may have been overlooked by said court, or may have moved into said territory after said apportionment, and shall warn them to work on said road, in the same manner as if the names had been furnished him by said court. The contract of said overseer, as hereinbefore provided for, shall be filed with the County Clerk of Wood county, to be kept by him in the files of his office.

Section 7. The commissioners' court of Wood county shall have full power and authority to adopt such system for working, laying out, and repairing the public roads of said county, as to said court may seem best, except in such matters as are specifically provided by this act; and said court shall have the authority to change its plans from time to time, and shall have the authority to purchase such tools, teams, wagons, machinery, and material, as may be necessary for such work, all of which shall be paid out of the Road and Bridge Fund of Wood county. But it shall be the duty of the court to first put in good repair and condition all roads heretofore constructed, graded, clayed, or gravelled, before undertaking to build new roads, in order to preserve and keep said roads from being destroyed, and shall at all times look carefully to the maintenance of all the public roads of Wood county.

Section 8. All male persons between the ages of twenty-one (21) and forty-five (45) years, who may be subject to road duty in Wood County, may pay to the County Treasurer of said county the sum of Five Dollars (\$5.00) on or before the first day of February of each year, taking the receipt of the County Treasurer therefor, and when such payment is made and such receipt issued, said persons shall not be subject to road duty during the current year thereafter. If any of such persons shall fail to pay said amount on or before February 1st, as hereinbefore provided, he may at the time of being warned out to work the road, pay to the overseer on or before the day on which he is to begin such work the sum of One Dollar and Fifty Cents (\$1.50) for each day for which he may be summoned to work, not exceeding five (5) days, which said payment shall be received in

lieu of the work to be performed by him.

The County Treasurer shall credit to each section of road, all moneys paid in by persons residing within the territory apportioned to that section of road, and which amounts shall be paid out under the direction of the commissioners' court for work upon such section of road.

Section 9. Any person who shall be warned to work on any road in Wood County, and shall fail or refuse to appear at the time and place designated to work such road, shall be deemed guilty of a misdemeanor; and upon conviction thereof, shall be fined in any sum not less than Five (5), nor more than Twenty-five Dollars (\$25.00), and each day he shall fail or refuse to work said road, after legal notice shall have been given, shall constitute a separate offense.

Section 10. The commissioners' court of Wood County may work the convicts of said county upon the public roads, and shall allow them credit on their fine and costs, at the rate of One Dollar (\$1.00) per day, and shall pay the precinct and county officers the costs accrued in each case, and which costs shall first be paid, after which the fine or jail sentence shall be worked out by such convict.

As a reward for faithful service and good behavior, while engaged in any work on public roads for Wood County, the commissioners' court is authorized to grant reasonable commutation of time to any convict working on the public roads of said county and for which such convict would otherwise be compelled to work, in order to pay his fine and costs, and said court shall make rules and regulations governing such commutation of time.

In case a county convict escapes from the custody and control of his guard, while required to work on the public road and is recaptured, such convict shall have all actual costs for recapturing him charged to him, and he shall be required to work out the additional costs caused by his escape, in the same manner and at the same rate, as hereinbefore provided.

The county shall furnish each convict all clothing, food, and medicine, used while working upon any of the public roads of said county.

Section 11. It shall be the duty

of every road overseer to report to the Justice of the Peace, or the County Attorney, the names of any and all persons who fail to work the road, after being duly summoned; and it shall be the duty of the Justice of the Peace, to at once file complaints against such persons for failing to work the road, and of the County Attorney to prosecute such persons.

If any overseer shall fail, or refuse, to have the hands of his section of the road warned out, and to work the road, as herein provided, the commissioner of such precinct is authorized to have said hands warned out and to direct that they shall work said road, under the supervision of any person designated by such county commissioner.

Section 12. Any person who shall in any manner obstruct or fill, in whole or in part, any ditch or drain along any public road, made for the purpose of draining the water off or out of any public road in Wood County, or any person who shall cause either surface water or any spring to flow out of its natural course into any public road, or into ditch or drainway along any public road in Wood County, in such manner as to damage said drainway or ditch; or shall obstruct, in whole or in part, any public road in Wood County, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be fined in any sum not exceeding One Hundred Dollars (\$100.00).

Section 13. In all cases where the costs of material and labor to be done on any one job on any section of any public road in Wood County, exceeds Two Hundred Dollars (\$200.00), the court may have the same done by contract; if done by contract, the same shall be advertised by the commissioners' court, as provided by law.

Section 14. This act shall be taken notice of by all courts, in the same manner as the General Laws of this State, on this subject, and it shall be cumulative of all laws and parts of laws not in conflict herewith; but all laws and parts of laws in conflict herewith, are hereby repealed.

Section 15. The fact that there is now no adequate road law in force in Wood County, creates an emergency

and an imperative public necessity, demanding the suspension of the Constitutional rule requiring bills to be read on three several days in each house, and the same is hereby suspended, and this act shall take effect and be enforced from and after its passage, and it is so enacted."

The bill was laid before the Senate, read third time and, on motion of Senator Suiter, was passed by the following vote:

Yeas—26.

Alderdice.	Floyd.
Bell.	Hall.
Buchanan of Bell.	Hertzberg
Buchanan of Scurry.	Hopkins.
Caldwell.	Johnston.
Carlock.	McNealus.
Clark.	Page.
Cousins.	Parr.
Dayton.	Smith.
Dean.	Suiter.
Dorough.	Westbrook.
Dudley.	Witt.
Faust.	Woods.

Absent.

Gibson.	Williford.
Strickland.	

Absent—Excused.

Bailey.

Senate Bill No. 218.

The Chair laid before the Senate as pending business on second reading:

S. B. No. 218, A bill to be entitled "An Act to provide for the inspection by County Health Officers of private sanitariums treating mental diseases or receiving patients suffering from unsound mind or treating person afflicted with a drug habit, and making it the duty of the Health Officer to make bimonthly visits of inspection to such institutions and to make report, in writing, the condition thereof to the County Judge, and providing penalties for the violation of this Act, and declaring an emergency."

The committee report carrying an amendment was adopted.

Senator Hertzberg offered the following amendments which were read and adopted:

Amend Senate Bill No. 218 by striking out everything after the en-

acting clause except the emergency clause and inserting in lieu thereof the following:

Section 1. That from and after the passage of this Act the State Health Officer of the State of Texas is authorized and empowered to visit from time to time, all private sanitariums where mental diseases are treated or which receive patients suffering from unsound mind as residents or where patients are treated who are afflicted with a drug habit, situated in the State of Texas, and to interview the patients in such hospitals or sanitariums at such times as he may deem necessary and to examine the register or list of the names of the patients thereof and all other apparatus and drugs used for treatment in such hospitals or sanitariums.

Section 2. Every individual conducting such sanitarium, or in the absence of such proprietor, any manager conducting or operating same for said proprietor or any officer or the manager of such corporation operating any such sanitarium and actually in charge thereof, shall be required to admit without advance notice, the State Health Officer at any time that such officer may apply for admission and shall allow said officer to examine all apparatus and drugs used for treatment in such sanitarium and shall allow said officer to examine the register or list of the names of the patients at said institution and to have free access to all patients in said institution, in their rooms.

Section 3. If, in the judgment of the State Health Officer, after a full investigation, there are any patients in any such institution who are not in need of treatment thereat, he shall report the same to the proprietor, manager or superintendent of such institution in writing, asking the release of such patient or patients and giving his reasons therefor in writing and if such proprietor, manager or superintendent disagrees with said officer as to the advisability of discharging such patient and refuses to discharge such patient, said officer shall immediately report the same to the county judge of the county in which such institution is located, asking for the release of such patient or patients and giving his

reasons therefor and the county judge shall, within five days, set a hearing for said discharge and order said patient brought before him for such hearing, and if upon such hearing it shall be found that such patient or patients ought in fact to be discharged, the county judge shall issue an order to the proprietor, manager or superintendent ordering the immediate release of such patient or patients and it shall then be the duty of such proprietor, manager or superintendent to immediately release said patient or patients.

Section 4. Any proprietor, manager or superintendent of any such institution who shall violate or cause the violation of this Act shall be deemed guilty of a misdemeanor and upon conviction in any court of competent jurisdiction shall be fined not less than fifty dollars nor more than two hundred dollars, and each day of such violation shall constitute a separate offense.

(2) Amend Senate Bill 218 by striking out the word "county" line 1 of the caption of the bill and inserting in lieu thereof the word "State"; and by striking out the word "officers", line 1 of the caption, and inserting in lieu thereof the word "officer"; and by striking out every thing after the word "habit", line 10 of the caption of the bill, beginning with that word and including the word "judge" line 12 of the caption

The bill was read second time and passed to engrossment.

On motion of Senator Hertzberg, the constitutional rule requiring bills to be read on three several days was suspended and Senate Bill No. 218 put on its third reading and final passage by the following vote:

Yeas—27.

Alderdice.	Gibson.
Bell.	Hall
Buchanan of Bell.	Hertzberg
Buchanan of Scurry.	Hopkins
Caldwell.	Johnston
Carlock.	McNealus
Clark.	Page
Cousins.	Parr
Dayton.	Strickland
Dean.	Suiter
Dorough.	Westbrook
Dudley.	Witt
Faust.	Woods
Floyd.	

Absent.

Smith Williford

Absent—Excused.

Bailey.

The bill was laid before the Senate, read third time and, on motion of Senator Hertzberg, was passed finally.

Senate Bill No. 232.

The Chair laid before the Senate on second reading:

S. B. No. 232, A bill to be entitled "An Act to amend Article 2802 of the Revised Civil Statutes of the State of Texas, relating to permanent teachers' certificates, so as to add thereto the provision that any person who has taught as long as thirty (30) years in the public schools of this State shall, upon recommendation of the Board of School Trustees, be entitled to receive a permanent certificate of the grade last held by him, and declaring an emergency."

The bill was read second time, and passed to engrossment.

On motion of Senator Dean the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 232 put on its third reading and final passage by the following vote:

Yeas—27.

Alderdice.	Gibson.
Bell.	Hall
Buchanan of Bell.	Hertzberg
Buchanan of Scurry.	Hopkins
Caldwell.	Johnston
Carlock.	McNealus
Clark.	Page
Cousins.	Parr
Dayton.	Strickland
Dean.	Suiter
Dorough.	Westbrook
Dudley.	Witt
Faust.	Woods
Floyd.	

Absent.

Smith Williford

Absent—Excused.

Bailey.

The bill was laid before the Senate, read third time and, on motion of Senator Dean, was passed finally.

Adjournment.

At 12:35 o'clock p. m. the Senate, on motion of Senator Westbrook, adjourned until 10 o'clock tomorrow morning.

APPENDIX.**Engrossing Committee Reports.**

Committee Room,
Austin, Texas, March 5, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had Senate Bill No. 153 carefully compared, and find same to be correctly engrossed.

FAUST, Chairman.

Committee Room,
Austin, Texas, March 5, 1918.

Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had Senate Bill No. 305 carefully compared and find same to be correctly engrossed.

FAUST, Chairman.

Committee Room,
Austin, Texas, March 5, 1919.

Sir: We, your Committee on Engrossed Bills, have had Senate Bill No. 83 carefully compared and find same to be correctly engrossed.

FAUST, Chairman.

Committee Room,
Austin, Texas, March 5, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had Senate Bill No. 201 carefully compared and find same to be correctly engrossed.

FAUST, Chairman.

Committee Room,
Austin, Texas, March 4, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had Senate Bill No. 160 carefully compared and find same to be correctly engrossed.

FAUST, Chairman.

Senate Concurrent Resolution No. 11.

(Printed here by order of the Senate.)

Substitute for Committee Amendments.

Be it Resolved by the House of Representatives of the State of Texas, the Senate Concurring:

Section 1. That an election shall be held on the first Tuesday in November, 1919, such election to be governed and controlled by the laws now in force in regards to general election and in said election the qualified voters shall vote whether or not they want a constitutional convention by having printed or written on their ballots the words, "For a constitutional convention" and the words "Against a constitutional convention" and all voters who favor a constitutional convention shall erase the words "Against a constitutional convention" by drawing a line through said words and all voters who oppose a constitutional convention shall erase the words "For a constitutional convention" by drawing a line through said words and if the majority of the votes cast at said election favor calling a constitutional convention then said convention shall be called as is hereafter provided and if a majority of the votes cast is opposed to a constitutional convention then no such convention shall be called under this resolution.

Section 2. If at such election a majority of the qualified voters voting at such election shall favor a constitutional convention, a constitutional convention shall be called by proclamation by the Governor, which shall be convened in the city of Austin on the first Monday in June, 1920 to frame a new constitution for the State of Texas, to be submitted to a vote of the people by proclamation of the Governor at a date to be fixed by said convention, not earlier than sixty days after its adjournment.

Section 3. Such constitutional convention shall be composed of two delegates from each senatorial district and two delegates from each congressional district of the State and the convention shall be governed by such rules of procedure as the delegates may adopt in accord with the provisions of this resolution.

Section 4. Any voter eligible for election as a member of the State Senate, may be elected a delegate in the constitutional convention, and

the holding of any elective or appointive State, district, county, municipal or other local office shall not constitute a bar to eligibility. The convention shall be the judge of the election and qualification of delegates; provided no delegate holding an elective or appointive office in the State shall receive compensation for service as a delegate while drawing a salary or per diem from the State or any political sub-division thereof.

Section 5. An election of delegates to the constitutional convention should the voters declare for a constitutional convention, shall be held throughout the State on the second Tuesday in March, 1920.

Section 6. The voting at the election for delegates shall be by ballot and the official ballot shall be prepared and furnished by the county judges. Any qualified elector possessing the qualifications as prescribed for a State Senator may have his name printed on the official ballot as a candidate for delegate, by filing his written application with the county judge of the county in which said applicant resides, at least twenty days before the date of said election, expressly setting forth in his written application that he is a candidate for election from the senatorial district or for election from the congressional district. The county judges of each county composing a senatorial district in which an applicant for election resides, shall file the name of each applicant in their respective counties with the county judge of every county composing such senatorial district at least fifteen days before the date of said election; and the county judges of each county composing a congressional district in which an applicant as a delegate resides, shall file the name of each such applicant in their respective counties with the county judge of each county composing such congressional district, at least fifteen days before the date of said election; and the said county judges shall have the names of all candidates from the senatorial district and from the congressional district printed on the official ballot.

Section 7. The election judges of the various voting precincts shall make returns to the county judges within three days after said election for delegates giving the results of the election; and the county judges

shall call the commissioners' court together on the third Tuesday in March, 1920, and canvass the returns in the presence of the commissioners' court and immediately certify the result of the vote for delegates elected from the senatorial district to the legal returning officer of such senatorial district, and the said county judges and commissioners' court shall certify the vote for delegates elected from each congressional district, to the Secretary of State. The returning officer of each senatorial district shall immediately canvass the returns furnished him by the county judges of the counties composing the senatorial district and issue certificates of election to the two delegates receiving the highest number of votes, and he shall also certify the names of the delegates elected to the Secretary of State. The Secretary of State shall canvass the returns for delegates elected from the congressional districts and issue certificates of election to those delegates certified as receiving the highest number of votes.

Section 8. The Governor shall issue a proclamation upon the passage of this resolution directing the several officers of this State empowered by law to conduct, manage and supervise elections under the laws of Texas and as now provided by this resolution to hold said election and make returns of the results of same.

Section 9. The election held for delegates to the constitutional convention, and that upon the ratification or rejection of the report of the convention, and all elections herein provided for, shall be in conformity to the laws now controlling general State elections, except as may be specifically otherwise directed by this resolution.

Section 10. Each delegate to the constitutional convention shall receive \$7.50 per day for the duration of the convention, and actual traveling and other expenses to and from his home. The president of the convention shall issue vouchers, attested by the Secretary for the payment of all expenses of the convention, which shall be paid by the State Treasurer upon the approval of the State Comptroller.

Section 11. The sum of one hundred thousand (\$100,000.00) Dollars, or so much thereof that may be necessary, is hereby appropriated

from the general revenues of the State not otherwise appropriated to pay the expenses of the constitutional convention.

Section 12. The Governor shall make proclamation of the date for the election of delegates to the constitutional convention, not less than sixty days from the day specified in this Resolution for holding such election, and the sum of five thousand (\$5,000.00) dollars or so much thereof that may be necessary to meet the expenses of the proclamation and ordering the election is hereby appropriated from the general revenues not otherwise appropriated.

Section 13. The Governor shall make proclamation for the date for the convening of the delegates in convention not less than thirty days before the day fixed by this Resolution; and the sum of \$500.00 or so much thereof, as may be necessary for the purpose of issuing such proclamation, is hereby appropriated from the general revenues not otherwise appropriated.

Section 14. Any amendment to or modification of the provisions of the present constitution providing for Homestead shall, if voted upon at the time the new constitution is submitted to the people, be submitted separately and voted upon as an independent provision of the constitution.

OSBORNE.

Adopted February 27, 1919.

T. B. REESE.

Chief Clerk, House of Representatives.

Committee Reports.

Committee Room,

Austin, Texas, March 4, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Towns and City Corporations, to whom was referred

S. B. No. 346, A bill to be entitled "An Act to provide for abolishing the incorporation of any city or town in this State, incorporated under the general law or by special charter, that no longer exercises its corporate functions as an incorporated city or town and that has failed to have its corporation abolished as provided by Chapter 16, Title 22, Revised Civil Statutes of 1911; providing for the

assessment and collection of taxes to pay existing indebtedness and the management, and the control of public property therein, and declaring an emergency."

Have had same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass.

JOHNSTON, Chairman.

Committee Room,

Austin, Texas, March 4, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Towns and City Corporations, to whom was referred

H. B. No. 232, A bill to be entitled "An Act to amend Article 762, Title 22, Chapter 1, Revised Civil Statutes of the State of Texas, 1911, relating to the incorporation of cities, towns and villages with a population of 600 or more inhabitants, etc."

Have had same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass and be not printed but be printed in the Journal.

JOHNSTON, Chairman.

By Curtis and Brown. H. B. No. 232.

A BILL

To Be Entitled.

An Act to amend Article 762, Title 22 Chapter 1, Revised Civil Statutes of the State of Texas, 1911, relating to the incorporation of cities, towns and villages with a population of 600 or more inhabitants; and providing that cities, towns and villages with any number of inhabitants having any manufacturing establishment within the corporate limits, and which may be subject to the provisions of the Act known as "Chapter 23 of the Acts of the Regular Session of the 34th Legislature, page 38," which was approved by the Governor on February 25, 1915, or any amendment thereto, may become incorporated as a city or town, and accept the provisions of Title 22, relating to cities and towns in lieu of any existing charter, and prescribing the manner of so doing, and further providing that when such city, town or village is so incorporated, the same shall be known as a city or town, subject to the provisions of Title 22 of the

Revised Civil Statutes of the State of Texas, 1911, relating to cities and towns, and vested with all the rights, powers, privileges, immunities and franchises therein conferred.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Article 762, Title 22, Chapter 1, Revised Civil Statutes of the State of Texas, 1911, be amended so as to hereafter read as follows:

Article 762. Cities, towns and villages may accept the provisions of this title. Any incorporated city, town or village in this State containing 600 inhabitants or over, including those incorporated under Chapter 14 of this Title, or Chapter 11 of Title 18 of the Revised Statutes of 1895, and other laws, general and special, and any incorporated city, town or village of whatever population containing one or more manufacturing establishments within the corporate limits, and which may be subject to the provisions of the act known as "Chapter 23 of the acts of the Regular Session of the 34th Legislature, page 38," which was approved by the Governor on February 25, 1915, or any amendments thereto, may accept the provisions of this title relating to cities and towns, in lieu of any existing charter, by a two-thirds vote of the council of such city, town or village, which action by the council shall be had at a regular meeting thereof, and entered upon the journal of their proceedings, and a copy of the same, signed by the Mayor and attested by the Clerk or Secretary under the corporate seal, filed and recorded in the office of the Clerk of the County Court in which such city, town or village is situated, and the provisions of this title shall be in force, and all acts theretofore passed incorporating said city, town or village which may be in force by virtue of any existing charter, shall be repealed from and after the filing of said copy of their proceedings, as aforesaid. When such city, town or village is so incorporated as herein provided, the same shall be known as a city or town, subject to the provisions of this title relating to cities and towns, and vested with all the rights, powers, privileges, immunities and franchises therein conferred.

Section 2. The fact that a great

many towns and villages within this State are now desirous of incorporating under the Statutes relating to cities and towns, and becoming cities and towns as provided by the Statute relating to cities and towns, and which are now prevented from doing so by reason of the requirements of the law with reference to population, which is in excess of the population of said certain towns and villages, creates an imperative public necessity that the Constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect from and after its passage, and it is so enacted.

Committee Room,
Austin, Texas, March 4, 1919.
Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

S. B. No. 365, A bill to be entitled "An Act to amend Article 6901a and Article 6901d of Chapter 29 of Acts of the Fourth Called Session of the Thirty-fifth Legislature, fixing the compensation of County Commissioners in counties having a population of 30,000 and not more than 40,000, so as to include counties having a population of 29,000 and not more than 30,000,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do not pass, but that Committee Substitute pass, and be not printed.

PARR, Chairman.

Committee Room,
Austin, Texas, March 5, 1919.
Hon. W. A. Johnson, President of the Senate.

Sir: Your Committee on Lands and Land Office, to whom was referred

H. B. No. 365, being a bill to be entitled "An Act to amend Article 5437, Title 79, Chapter 9, of the Revised Civil Statutes of Texas of 1911, and providing that any part of a tract of land heretofore or thereafter sold by the State may, in the discretion of the Commissioner of the General Land Office, and regardless of the number of acres contained therein, be patented at any time upon the payment of the balance due the State for such part, together with the patent fees pre-

scribed by law, and to repeal all laws in conflict herewith,"

Have had the same under consideration, and beg to report it back to the Senate with the recommendation that it do pass.

BELL, Chairman.

Committee Room,
Austin, Texas, March 5, 1919.
Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 376, A bill to be entitled "An Act to make certain emergency appropriations out of the general revenue for the several institutions and departments of the government for the fiscal year ending August 31st, 1919, and declaring an emergency,"

Have had the same under consideration, and beg to report it back to the Senate with the recommendation that it do pass.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, March 5, 1919.
Hon. W. A. Johnson, President of the Senate.

Sir: Your Committee on Mining and Irrigation, to whom was referred

S. B. No. 347, being a bill to be entitled "An Act to amend Section 224, Chapter 87, of the General Laws of the regular session of the Thirty-fifth Legislature; providing in substance that districts created under the provisions of said Chapter 87 are empowered to own and construct reservoirs, dams, wells, canals, etc., and to acquire the necessary right of way for same, by purchase, gift, grant or condemnation; to buy or construct oil reservoirs, dams, wells, canals, laterals, sites for pumping plants and all other improvements required for the irrigation of lands; and declaring an emergency,"

Have had the same under consideration, and beg to report it back to the Senate with the recommendation that it do pass.

DUDLEY, Chairman.

Committee Room,
Austin, Texas, March 5, 1919.
Hon. W. A. Johnson, President of the Senate.

Sir: Your Committee on Civil Jurisprudence, to whom was referred

H. B. No. 257, being a bill to be entitled "An Act to amend Article

7383 of the Revised Civil Statutes of the State of Texas of 1911, requiring each and every individual, company, corporation or association, whether incorporated under the laws of this or any other State or Territory of the United States or any foreign country, which owns, controls, manages or leases any oil well within this State, to make quarterly, on the first days of January, April, July and October of each year, a report to the Comptroller of Public Accounts, under oath, of the individual or of the president, treasurer or superintendent of such company, corporation or association, showing the total amount of oil produced during the quarter next preceding and the average market value thereof during said quarter; and providing that said individuals, companies, corporations and associations at the time of making said report shall pay to the Treasurer of the State of Texas an occupation tax for the quarter beginning on said date equal to two (2 per cent) per cent of the total amount of all oil produced at the average market value thereof as shown by the said report, and declaring an emergency,"

Has had said bill under consideration, and I am directed to report the same back to the Senate with the recommendation that it do pass and be not printed, but be printed in the Journal.

DEAN, Chairman.

(Minority Report.)

Committee Room,
Austin, Texas, March 5, 1919.
Hon. W. A. Johnson, President of the Senate.

Sir: We, the minority of your Committee on Civil Jurisprudence, to whom was referred House Bill No. 257, have had said bill under consideration and beg to report the same back to the Senate with the recommendation that it do pass with the following amendment:

Strike out the words and figures "two (2 per cent) per cent" in the caption and in the body of the bill and insert in lieu thereof the words and figures "one and one-half (1½ per cent) per cent."

The minority also recommends that said bill be not printed, but be printed in the Journal.

CARLOCK.
PAGE.
HALL.

By Tillotson and
Wiginton.

H. B. No. 257.

A BILL

To Be Entitled

An Act to amend Article 7383 of the Revised Civil Statutes of the State of Texas, of 1911, requiring each and every individual, company, corporation or association, whether incorporated under the laws of this, or any other State or territory or of the United States or any foreign country, which owns, controls, manages or leases any oil well within this State to make quarterly, on the first days of January, April, July and October of each year, a report to the Comptroller of Public Accounts, under oath of the individual or of the president, treasurer or superintendent of such company, corporation or association, showing the total amount of oil produced during the quarter next preceding and the average market value thereof during said quarter. And providing that said individuals, companies, corporations and associations at the time of making said report, shall pay to the Treasurer of the State of Texas an occupation tax for the quarter beginning on said date, equal to two (2%) per cent of the total amount of all oil produced at the average market value thereof as shown by the said report, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Article 7383 of the Revised Civil Statutes of the State of Texas, of 1911, be so amended as to hereafter read as follows:

Article 7383. Each and every individual, company, corporation or association, whether incorporated under the laws of this or any other State or territory or of the United States, or any foreign country which owns, controls, manages or leases any oil well within this State shall make quarterly, on the first days of January, April, July and October of each year a report to the Comptroller of Public Accounts, under oath of the individual or of the president, treasurer or superintendent of such company, corporation or association showing the total amount of oil produced during the quarter next preceding and the average market value thereof dur-

ing said quarter. Said individuals, companies, corporations and associations at the time of making said report shall pay to the Treasurer of the State of Texas an occupation tax for the quarter beginning on said date, equal to two (2%) per cent of the total amount of oil produced in this State during the quarter next preceding at the average market value thereof, as shown by said report.

Article 7383a. Each and every individual, company, corporation, or association, mentioned in Article 7383, as above set forth, shall cause to be made, and to be kept and preserved, a full and complete record of all oil produced during the time so engaged in its production and said record shall be open to the inspection of all tax officers of this State.

Section 2. The fact that the oil producers of this State have the benefit of the protection of the law and are paying an inadequate gross receipts tax creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and the same be and is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Committee Room.

Austin, Texas, March 5, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: Your Committee on Civil Jurisprudence, to whom was referred H. B. No. 87, Being a bill to be entitled "An Act to amend Chapter 6, Title 37 of the Revised Civil Statutes of Texas, relating to process and returns, by adding thereto Article 1874a; providing that in citations by publication it shall not be necessary to state in the citation the details and particulars of the cause of action, etc., and declaring an emergency."

Has had said bill under consideration and I am directed to report the same back to the Senate with the recommendation that it do not pass, but that the attached Committee substitute be passed in lieu thereof, and that the same be not printed but printed in the Journal.

DEAN, Chairman.

Committee substitute:
By Seagler. H. B. No. 87.

A BILL

To Be Entitled

An Act to amend Articles 1874 and 1875, Chapter 6, Title 37 of the Revised Civil Statutes of the State of Texas, amended by the Acts of the Regular Session of the Thirty-fifth Legislature. Chapter 13, page 23, and relating to process and returns so as to provide that in citations by publication it shall not be necessary to state in the citation the detail and particulars in the cause of action, and providing that in such suits involving land it shall be sufficient in making the brief statement of the cause of action in such citations to state the kind of suit, the number of acres of land involved in the suit, or the number of the lot and block, or any other plat description that may be of record if the land is situated in a city or town, the survey on which the land is situated, the county in which said land is situated, and the special pleas, if any, which are relied upon in such suit, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Article 1874, Chapter 6, Title 37, of the Revised Civil Statutes of the State of Texas, amended by the Act of the regular session of the Thirty-fifth Legislature, Chapter 13, page 23, be amended so that the same shall hereafter read as follows:

Article 1874. Where any party to a suit, his agent or attorney, shall make oath at the time of the institution of such suit, or at any time during its progress that any party defendant therein is a non-resident of the State, or that he is absent from the State, or that he is a transient person, or that his residence is unknown to affiant, the clerk shall issue a citation for such defendant, addressed to the sheriff or any constable of the county in which suit is pending. Such citation shall contain a brief statement of the cause of action, and shall command the officer to summon the defendant by making publication of such citation in some newspaper published in his county, if there be a newspaper published therein, but if not, then in the nearest county where

a newspaper is published, once in each week for four consecutive weeks previous to the return day thereof.

Section 2. That Article 1875, Chapter 6, Title 37, of the Revised Civil Statutes of the State of Texas, amended by Act of the Regular Session of the Thirty-fifth Legislature, Chapter 13, page 23, be amended so that the same shall hereafter read as follows:

Article 1875. Where any property of any kind in this State may have been granted or may have accrued to the heirs as such, of any deceased person, or to the stockholders of any defunct corporation, any party having a claim or cause of action against them relative to such property, if their names be unknown to him, may bring his suit or action against them, their heirs or legal representatives, describing them as the heirs of such ancestor, naming him or unknown stockholder of such corporation and if the plaintiff, his agent, or attorney shall make oath at the time of the institution of such suit, or at any time during its progress that the names of such heirs or stockholders are unknown to the affiant, the clerk shall issue a citation for such heirs or stockholders, addressed to the sheriff or any constable of the county in which such suit is pending. Such citation shall contain a brief statement of the cause of action, and shall command the officer to summon the defendant by making publication of such citation in some newspaper published in his county, if there be a newspaper published therein, but if not, then in the nearest county where a newspaper is published, once in each week for four consecutive weeks previous to the return day thereof. Provided that in cases of citation by publication as provided for in this and in the foregoing articles, it shall not be necessary to state in the citation the details and particulars of the cause of action; provided that in suits by publication involving land it shall be sufficient in making the brief statement of the cause of action in such citations to state the kind of suit, the number of acres of land involved in the suit, or the number of the lot and block or any other plat description that may be of record if the land is situated in a city or town, the survey on which the land is situated, the

county in which said land is situated, and the special pleas, if any, which are relied upon in such suit.

Section 3. The fact that the law now requires citations by publication to state the details and particulars of the cause of action, and that the publication of same is expensive and almost prohibitory, without any reason therefor, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and the said rule is hereby suspended and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Committee Room,
Austin, Texas, March 5, 1919.
Hon. W. A. Johnson President of the Senate.

Sir: Your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 374, A bill to be entitled "An Act to amend Senate Bill No. 24, passed at the regular session of the Thirty-sixth Legislature, so that it will provide the interest of a mortgagee or trustee under the deed of trust or other lien named in any fire insurance policy, insuring real property shall not be invalidated by any act or neglect of the mortgagor or owner of the property insured by said policy or the happening of any condition beyond his contract and declaring void any stipulation in any fire insurance policy in conflict herewith and declaring an emergency."

Has had said bill under consideration, and I am directed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

DEAN, Chairman.

Committee Room,
Austin, Texas, March 5, 1919.
Hon. W. A. Johnson President of the Senate.

Sir: Your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 277, A bill to be entitled "An Act to amend Section 11, Chapter 31, of the General Laws of the State of Texas, passed by the Thirty-third Legislature, at its First Called Session, being entitled, 'An Act to amend Chapter 67 of the Acts of the Regular Session of the Thirty-third

Legislature,' etc., by providing that nothing in this Act shall make it unlawful for any priest or minister of any religious denomination or sect, to order or receive wine for sacramental purposes only; or, for any common carrier to ship, transport, carry, or deliver same to any priest or minister of any religious denomination or sect, for sacramental purposes only, and shipped and delivered in accordance with other laws of Texas, relative to shipment and delivery of wine for said purpose; adding Section 11a thereto; and declaring an emergency."

Has had said bill under consideration, and I am directed to report the same back to the Senate with the recommendation that it do pass.

DEAN, Chairman.

Committee Room,
Austin, Texas, March 5, 1919.
Hon. W. A. Johnson President of the Senate.

Sir: Your Committee on Civil Jurisprudence, to whom was referred

H. B. No. 456, A bill to be entitled "An Act to prohibit the sale under execution, Deed of Trust, Mortgage or Lien of property belonging to soldiers and sailors in the service of the United States, or those who have served as such, during the present war until 12 months after their discharge and declaring an emergency."

Has had same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, with the following committee amendment:

Add at the end of Section 1, and as a part thereof, the following:

"And provided further that the provisions of this Act shall apply only to such soldier and sailor defendants as are, in the discretion of the trial court, necessary parties defendant to the pending litigation, and then only to such debts as were contracted by such soldier or sailor prior to his enlistment of draft into the army or navy of the United States.

And that said bill be not printed, but that it be printed in the Journal.

DEAN, Chairman.

By Osborne, H. B. No. 456.
A BILL

To Be Entitled

An Act to prohibit the sale under execution, deed of trust, mortgage

or lien of property belonging to soldiers and sailors in the service of the United States, or those who have served as such, during the present war until twelve months after their discharge, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That all sales under execution, deed of trust, mortgage or lien of property belonging to soldiers or sailors now in the service of the United States during the present war or who have been in such service and honorably discharged is hereby prohibited for twelve months after the discharge of any such soldier or sailor, and any sale made in violation of this law shall convey to the purchaser no right or title. Provided however such soldier or sailor may waive the benefits of this Act by doing so in writing duly acknowledged before some person authorized by law to take acknowledgements. Provided further that all statutes of limitations shall be suspended during the twelve months after such discharge as to any debt, right, or cause of action against such soldier or sailor.

Section 2. The fact that soldiers and sailors after their discharge and before they have an opportunity to arrange their financial affairs, which they were unable to do, owing to their being in the service, and these soldiers and sailors are being threatened with foreclosures, creates an emergency and an imperative public necessity, which requires the suspension of the Constitutional rule that all bills be read on three several days, and the rule is hereby suspended and this Act shall take effect and be enforced from and after its passage, and it is so enacted.

Committee Room,

Austin, Texas, March 3, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Constitutional Amendments, to whom was referred

H. J. R. No. 35, being a resolution to be entitled "A House Joint Resolution proposing an amendment to Section 51 of Article 3 of the Constitution of the State of Texas, to provide that the Legislature may grant pensions to Confederate soldiers, sailors and their widows, who

have been citizens of Texas since January 1st, 1912, providing that all soldiers, sailors and their widows eligible under the provisions hereof shall be entitled to be placed upon the rolls and participate in the pension fund created hereunder; levying a tax of six cents on the \$100 valuation of property in this State for the payment of such pension, providing that the Legislature may reduce the rate of pension for such purpose, fixing a time for the election to be held on such amendment, and making an appropriation to pay the expenses thereof."

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass with

Committee Amendments:

Amend H. J. R. No. 35 by inserting after the figure 3 in beginning of caption the word of the Constitution and by striking out six (\$.06) cents wherever it appears in the resolution and insert in lieu thereof seven (\$.07) cents, and by striking out 1912 wherever it appears in the resolution and insert in lieu thereof 1910.

BUCHANAN of Bell,
Chairman.

Committee Room,

Austin, Texas, March 3, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Constitutional Amendments, to whom was referred

S. J. R. No. 24, being a resolution to be entitled "A Joint Resolution proposing an amendment to Article 16 of the Constitution of the State of Texas, by adding a new section thereto to be known as Section 59; providing that the Legislature shall have power to enact laws authorizing a division of the net proceeds arising from the operation of the prison system of this State between the State and prisoners confined in the penitentiary or their dependents; providing for the submission of a proposed amendment to a vote of the people, and making an appropriation to defray the expense of such election,"

Have had the same under consideration, and beg leave to report it

back to the Senate with the recommendation that it do pass.

BUCHANAN of Bell,
Chairman.

Committee Room,
Austin, Texas, March 5, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

S. B. No. 364, A bill to be entitled "An Act to amend Article 2601, Revised Civil Statutes of Texas, Acts 1913 Special Session, regulating the bond and compensation of County Judges,"

Have had the same under consideration, and beg leave to report same back to the Senate with the recommendation that it do pass, and be not printed.

PARR, Chairman.

Committee Room,
Austin, Texas, March 5, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

S. B. No. 367, A bill to be entitled "An Act to fix a uniform date on which county and precinct officers shall qualify and take over the duties of their respective office following their election, and to repeal all laws in conflict therewith, and declaring an emergency,"

Have had the same under consideration, and beg leave to report same back to the Senate with the recommendation that it do pass, and be not printed.

PARR, Chairman.

THIRTY-EIGHTH DAY.

Senate Chamber,
Austin, Texas,
March 6, 1919.

The Senate met at 10 o'clock a. m. pursuant to adjournment, and was called to order by Lieutenant Governor W. A. Johnson.

The roll was called, a quorum being present, the following Senators answering to their names:

Alderdice.	Buchanan of Scurry.
Bailey.	Caldwell.
Bell.	Carlock.
Buchanan of Bell.	Clark.

Cousins.
Dayton.
Dean.
Dorough.
Dudley.
Faust.
Floyd.
Gibson.
Hall.
Hertzberg.
Hopkins.

Johnston.
McNealus.
Page.
Parr.
Smith.
Strickland.
Suiter.
Westbrook.
Witt.
Woods.

Absent.

Williford.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator McNealus.

Petitions and Memorials.

See Appendix.

Standing Committee Reports.

See Appendix.

Bills and Resolutions

By Senators Carlock and Dean:

S. B. No. 380. A bill to be entitled "An Act conferring upon the Court of Criminal Appeals and the Clerk of said Court in original cases filed in said court all of the powers conferred by the laws of this State upon the District Courts and the clerks thereof in the issuance of subpoenas for the attendance of witnesses and all other process; providing that said process shall be served by any officer authorized to serve process in this State; providing that witnesses summoned before the Court of Criminal Appeals shall receive the same fees and mileage as are paid in criminal cases in the district court; providing that the sheriffs and constables shall receive the same fees as for like service in the district court and making an appropriation to pay witness fees and costs and declaring an emergency."

Read first time and referring to Committee on Civil Jurisprudence.

By Senator Hertzberg:

S. B. No. 381, A bill to be entitled "An Act to permit the Artesian Belt Railroad and the receiver thereof